

Docket No.: 217881US3 PCT



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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/049,294
Applicants: Manabu HASEGAWA
Filing Date: February 11, 2002
For: CARD ATTACHING AND DETACHING DEVICE
Group Art Unit: 2833
Examiner: MCCAMEY, A.

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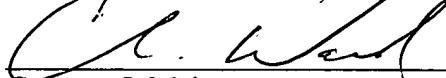
Attached hereto for filing are the following papers:

Reply Brief under 37 C.F.R. § 1.193 (in triplicate)
Request for Oral Hearing

Our credit card payment form in the amount of \$290.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
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Manabu HASEGAWA : EXAMINER: MCCAMEY, A.
:

SERIAL NO: 10/049,294 :
:

FILED: February 11, 2002 : GROUP ART UNIT: 2833
:

FOR: CARD ATTACHING
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DEVICE :
:

REPLY BRIEF UNDER 37 C.F.R. § 1.193

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a Reply to the Examiner's Answer mailed January 14, 2004. An Appeal Brief was timely filed on November 3, 2003.

REPLY TO EXAMINER'S ANSWER

As described in the Appeal Brief, Appellant's invention is directed to a card attachment and detachment device for detachably holding a card in a space defined between a body and a bottom plate. As described in the specification, the card attachment and detachment device can be used, for example, with a cordless telephone for holding a subscriber identification module (SIM) card.

Kubo does not disclose that the slant surface (52c-2a) is capable of ejecting the holder.

Appellant's Brief presented the argument that Kubo does not teach a biasing member for ejecting a holder, as recited in independent Claim 10 of the present application. The Examiner's Answer stated that this limitation "is a recitation of intended use, and has only been given patentable weight to the extent that the prior art structure must be capable of performing this function to meet the limitation." (Page 4, lines 5-11, of the Examiner's Answer. See also page 5, lines 10-13.) However, the Appellant submits that Kubo does not disclose that slant surface (52c-2a) is capable of ejecting the holder.

The Examiner acknowledges that "Kubo does not explicitly disclose the slant portion being *for ejecting the holder.*" (Page 5, lines 7-8, of the Examiner's Amendment. Emphasis in original.) Kubo specifically states that during the removal of the card holder (52) from the housing (51), the engagement craw (52c-2) is *disengaged from* the U-shaped frame portion (51a-4a)(see page 16, lines 24-25) and the engagement craw portion (52c-2) *passes below* the frame portion (51a-4a)(see page 16, lines 30-31). Thus, Kubo teaches a structure in which the engagement craw (52c-2) is not even in contact with the frame portion (51a-4a) during removal of the card holder (52) from the housing (51), and therefore it is mere speculation to conclude that the slant surface (52c-2a) is capable of ejecting the holder (52).

Kubo does not disclose that the slant surface (52c-2a) is a biasing member for ejecting the holder.

The Answer also argues in Response (i) that "there is nothing in the claim language that precludes the use of an operator to aid in the ejecting of the holder." (See page 4, line 20, through page 5, line 1, of the Examiner's Answer.) The Appellant agrees with this

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Manabu HASEGAWA

argument. However, the Appellant submits that Kubo does not describe the operator merely as *aiding* in the ejecting of the holder, but rather the operator is the sole means for ejecting the holder. The slant surface (52c-2a) is not described as providing any bias to the holder.

The Answer also describes in Response (iii) that the operator in Kubo moves the holder in the ejection direction (Y-direction) and notes that the slant portion extends in a Y-Z direction. The Answer states that “[t]he addition of these forces necessarily results in slant portion acting as ‘a biasing member,’ aiding in ejecting of the holder.” (Page 6, lines 3-6.) However, as noted above, Kubo explicitly states that during the removal of the card holder (52) from the housing (51), the engagement craw (52c-2) is *disengaged from* the U-shaped frame portion (51a-4a)(see page 16, lines 24-25) and the engagement craw portion (52c-2) *passes below* the frame portion (51a-4a)(see page 16, lines 30-31). Therefore it is mere speculation to conclude that the slant surface (52c-2a) provides any bias to the holder (52).

For the reasons stated above, Appellant maintains its position that Claims 10 and 11 are patentable. Accordingly, it is respectfully requested that the rejection still pending in the final Office Action be REVERSED.

Respectfully Submitted,

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